

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3046 of 1985

Date of decision: 10-10-1997

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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GUJARAT RAJYA DAIRY KARMACHARISABHA

Versus

GUJARAT DAIRY DEVEL CORP LTD  
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Appearance:

MR YOGESH THAKKAR for Petitioner

MR KM PATEL for Respondent No. 1  
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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 10/10/97

ORAL JUDGEMENT

The petitioner Union filed this special civil application praying for quashing and setting aside the action of the respondents in making recruitment to the post of Deputy Manager (Cooperation) in pursuance of the interviews scheduled to be held on 13th May, 1985. It is not in dispute that in pursuance to the interview dated 13th May,, 1985 two persons were given appointment on the post of Deputy Manager (Cooperation). On 28tgJune,1985 when this matter has come up for admission before this court the counsel who appeared for the respondents made statement that two persons have already been appointed. On this statement this court had ordered that the respondents will not make further recruitment under the advertisement dated 13th May,1984. Interview had taken place on 13th May, 1985 of the candidates who made applications in pursuance of the advertisement dated 13th May, 1984. Though this fact has been brought to the notice of the petitioner way back on 28th June, 1985 the petitioner has chosen not to implead those two persons as party to this special civil application.

2. In case the relief of the nature as prayed for by the petitioner is granted, then it will result in setting aside the appointments of two persons who are not before this court. The apex court in the case of Ishwarsingh vs. Kuldipsingh, reported in 1995 (Suppl.) 1 SCC 179, held that writ petition challenging selection and appointment without impleading and serving of notice on the selected candidates is not maintainable. Those appointments were made in the year 1985 and now after 12 years of those appointments, I do not find any justification in the prayer made by the petitioner for setting aside those appointments.

3. In the result this special civil application fails and the same is dismissed. No order as to costs.

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